

Sep-11-2002 16:09

From-PILLSBURY WINTHRP

T-006 P.001/004 F-218

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In re PATENT APPLICATION of

Inventor(s) Stice et al.

Appln. No. 09/394,902

series code ↑ serial no.

Filed: September 13, 1999

Group Art Unit: 1632

Examiner: T. Ton

Atty. Dkt. PM 275963

M#

Date: September 11, 2002

TITLE: Cloning Pigs Using Donor
Cells or Nuclei From
Differentiated Cells (Somatic
or Germ Cells) and Production
of Pluripotent Porcine Cells
by Nuclear Transfer

Name or type of signed paper being transmitted:

Further Reply to the Office Communication of 8/22/02

MESSAGE:

Please see the attached Supplemental Reply to the Office Action of 12/6/01.

(ATTN: Atty/Sec.: Transmit only one paper herewith. For papers not acceptable by fax, see back side or LAN
Forms Directory PAT-286 Rear. Do not file originals but fasten them in our file (left side) with
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Name Robin L. Teskin

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015837/0275963

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PAT-286 7/99

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Inventor(s) Stice et al.
 Appin. No.: 09 394,902
 Series Code ↑ Serial No. ↑

Filed: September 13, 1999

Hon. Commissioner of Patents
 Washington, D.C. 20231

Sir

REPLY/AMENDMENT/LETTER

Group Art Unit 1632
 Examiner: T. Ton
 Atty. Dkt. P 0275963
 M# Client Ref

Appin Title: Cloning Pigs Using Donor Cells or
 Nuclei From Differentiated Cells
 (Somatic or Germ Cells) and Production
 of Pluripotent Porcine Cells By Nuclear
 Transfer

Date: September 11, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment or same date and subject which is incorporated herinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim		For B & C See Required Separate Paper (Pat-256)		Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
A	<input type="checkbox"/> NOI made	}							
B	<input type="checkbox"/> Withdrawn								
C	<input type="checkbox"/> made herewith								
D	<input checked="" type="checkbox"/> made previously								
2. Total Effective Claims					minus 0	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims					minus 0	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)							add + \$280/\$140 =	+ \$0	104/204
5. Original due Date:				<input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached				(1 mo)	\$110/\$55 =				115/215
				(2 mos)	\$400/\$200 =		+ \$0		116/216
				(3 mos)	\$920/\$460 =				117/217
				(4 mos)	\$1,440/\$720 =				118/218
				(5 mos)	\$1,960/\$980 =				128/228
7. Enter any previous extension fee paid since above original due date and subtract							- \$0		
8.									
9. If Terminal Disclaimer attached, add Rule 20(d) official fee							+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c),							+ \$180	+ \$0	126
or if Rule 97(d) Request							+ \$180	+ \$0	126
11. After-Final Request Fee per rules 129(a) and 17(r)							+ \$740/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b)							x \$740/370 ea	+ \$0	149/249
13. Request for Continued Examination (RCE)							+ \$740/370	+ \$0	1179/1279
14. Petition fee for							+ \$0		
15.									
16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0"									
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space									
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.									
				TOTAL FEE = \$					
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 (Our Order No. 015837 0275963
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CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

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 By Atty: Robin L. Teskin

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PAT-120 5/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Steven L. STICE et al.

Group Art Unit: 1632

Application No. 09/394,902

Examiner: Thain N. Ton

Filed: September 13, 1999

Title: CLONING PIGS USING DONOR CELLS OR NUCLEI FROM DIFFERENTIATED CELLS (SOMATIC OR GERM CELLS) AND PRODUCTION OF PLURIPOTENT PORCINE CELLS BY NUCLEAR TRANSFER

* * * * *

SUPPLEMENTAL REPLY

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

This reply is supplemental to the Amendment and Reply filed June 6, 2002, in response to the Office Action dated December 6, 2001, and is responsive to the Office communication mailed August 22, 2002, requesting additional response to the obviousness-type double patenting rejection stated in the Office Action of December 6, 2001.

Further in response to the obviousness-type double patenting rejection stated in the Office Action of December 6, 2001, the Applicants submit the following:

Regarding Rejection of the Claims for Provisional Obviousness-type Double Patenting:

Claims of the application are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No.s 6,235,969 and 5,945,577. Applicants respectfully request that this rejection be held in abeyance until allowance is negotiated. At that time, if the claims in the instant application

are still deemed to be obvious in view of the claims of the issued patents, Applicants will submit a terminal disclaimer to obviate this rejection.

The Applicants' affirm that a terminal disclaimer will be submitted when the claims in the instant application are found to be allowable, but for the outstanding obviousness-type double patenting rejection over claims of U.S. Patent Nos. 6,235,969 and 5,945,577. If additional response to the obviousness-type double patenting rejection is required, or if the Examiner has any further questions or issues to raise regarding the subject application, it is respectfully requested that she contact the undersigned so that such issues may be addressed expeditiously.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: September 11, 2002

By: 

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